

LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION

November 14, 2007

**COMMISSIONERS PRESENT**

Richard Beverly  
Dennis Guise  
Ernest Gingrich  
Roy Newsome  
William Neff

**ALSO PRESENT**

Lori Wissler, Planning & Zoning Officer  
Dianne Moran, Planning & Zoning Officer  
Chip Millard, Dauphin County Planning Commission  
Jim Snyder, HRG, Inc.

**CALL TO ORDER**

Mr. Gingrich called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on November 14, 2007 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Gingrich led the recitation of the Pledge.

**APPROVAL OF MINUTES**

Mr. Beverly made a motion to approve the minutes of the October 10, 2007 regular meeting. Mr. Newsome seconded the motion. Mr. Neff abstained from voting, and the minutes were approved as submitted.

**OLD BUSINESS**

**Preliminary/Final Land Development Plan #07-20**  
**Commerce Park Office Building**  
**Troegner/Derk**

Ms. Moran stated that the intent of this plan is to build an office building on Lot 2 of the lands owned by Russel J. Klick Enterprises. This lot is approximately 4.57 acres, is zoned BC, Business Campus District and is located on the south side of Commerce Drive and west side of Crums Mill Road. The property will be served by public water and public sewer.

The applicant has requested the following waivers: 1) Waiver of the preliminary plan requirement; 2) Waiver of the requirement to provide sidewalk along Commerce Drive; 3) Waiver of the requirement for use of rational method for stormwater calculation; and 4) Waiver of the road widening requirement.

Mr. Neff asked if any of the waiver requests are inconsistent with what was granted in previous approvals. Ms. Moran stated that the prior plan was simply a subdivision of the land, and the plan now

is to develop the lot. The waivers were granted at that time because the township would have a second chance at the improvements being installed.

Mr. Marc Kurowski, of Kurowski and Wilson Engineers, 470 Friendship Road, Suite 100, Harrisburg, PA, was present on behalf of the plan.

Mr. Gingrich asked if the applicant has received the comments from staff, engineer and County, and if he has any issues with them. Mr. Kurowski stated that he has received the comments and explained that waiver request number 4 is not for the requirement to widen the road; it is only the requirement to show right-of-way widths for Interstate 81. The back of the property is along I-81 and they do not have that information as part of this survey. Mr. Snyder did not have a problem with that.

With regard to HRG comment #3, Mr. Kurowski stated that an overall sewer planning module for the entire tract was done at the time of subdivision. He will verify that with Mr. Weaver. Mr. Snyder agreed that is probably correct, and the Authority would maintain those records. A letter from the Authority stating such would be sufficient.

With regard to HRG #6, the plan incorporates all conversations Mr. Kurowski has had with the fire marshal, and will obtain a letter from him. Mr. Snyder asked that a plan showing the corrections be reviewed by the fire marshal to make sure he is okay with it.

With regard to HRG #12, Mr. Kurowski stated that at the time of the 4-lot subdivision, a detention basin was installed that does serve this lot, even though it is not situated on the lot. He can provide an easement or agreement indicating who is to own and maintain the basin. He asked if that should be a note on the plan, or if it should be a separate agreement, or if Mr. Klick should be a party to the plan. Mr. Snyder asked if the basin was installed when the four lots were subdivided. Mr. Kurowski stated that is correct, and the basin will serve all four lots. Mr. Snyder stated there should be some sort of cross easement to get to it and provisions should be established for maintenance. That should be a separate document submitted to the Township.

With regard to HRG #18, Mr. Kurowski stated that they have discussed this with the Shade Tree Commission, and they are agreeable to what is proposed. He felt that that is a zoning issue that the Supervisors can act on versus the Zoning Hearing Board.

With regard to HRG #21, Mr. Kurowski stated that there is grading proposed beyond the limits of the lot, the easements are shown, but they will also secure a separate agreement with the owners of those lots.

Mr. Gingrich stated that it would be appropriate for the applicant to contact Mr. Snyder directly with any additional questions. Mr. Kurowski stated that they feel they can satisfy the other comments. The only other outstanding outside agency issue is the Dauphin County Conservation District, and they will be submitting plans to them in the next few days.

Mr. Guise felt that the requirement for sidewalks should not be waived for the individual lots as they are developed. Mr. Kurowski asked if the development across the street from the project will be

installing sidewalks. Ms. Wissler stated she did not know. Mr. Kurowski noted that the reason for the request is that there will not really be many people walking in this area.

Mr. Millard asked about comment #8, with regard to parking lot landscape areas. Mr. Kurowski stated that the number of trees meets the requirements, but they are asking to be allowed to place them on the perimeter of the lot instead of within the lot. That will be noted on the cover sheet. Mr. Millard noted that there is still a 5% internal landscaping requirement for within the parking lot. Mr. Kurowski stated that is addressed on the newest submission with the landscape area between the drive aisle and the parking area to the rear of the offices.

There was no comment from the audience.

Mr. Guise made a motion to recommend approval of the plan conditioned upon the approval of the DCCD, and subject to compliance with the comments. The motion includes approval of the following waivers: waiver of the preliminary plan requirement, waiver of the requirement for use of rational method for stormwater calculation and waiver of the requirement to show right-of-way information for I-81; and disapproval of the waiver of the requirement to provide sidewalk along Commerce Drive. Mr. Newsome seconded the motion and a unanimous vote followed.

**Preliminary Subdivision Plan #07-21**  
**Autumn Oaks**

Ms. Moran stated that McNaughton Company owns 313.47 acres of land off of Patton Road, 133.387 acres are located in the R-C, Residential Cluster Zoning District, 177.49 acres are zoned R-1, Low Density Residential District, and a 2.55 acre portion of the tract is zoned CO, Conservation District. The property is proposed to be developed into a new home community consisting of 300 dwelling units.

The intent of this plan is to obtain preliminary subdivision approval for the R-C, Residential Cluster development of "Autumn Oaks". The plan consists of a 203-unit residential cluster development, six fee-simple, open space lots and the residual lot. The Cluster Development will consist of: 92 single family lots, 40 duplex units, 47 villa units and 24 townhouse units. The 203 dwelling units were determined through the submission and approval of a Yield Plan dated February 6, 2007.

The property will be serviced by public sewer and public water and will include active/passive recreation areas including nature trails. The common open space encompasses 69.352 acres or 52% of the total area within the Residential Cluster.

This plan was tabled at the October 10<sup>th</sup> Planning Commission meeting.

The applicant has requested the following waivers:

1. Waiver of the minimum street intersection separation requirement.
2. Waiver of the requirement to provide curbing and widening of Parkway West.
3. Waiver of the requirement to provide vertical curb. Slant curb is proposed.

4. Waiver of the requirement to provide Type "C" inlet grates in streets.
5. Waiver of the requirement to provide low flow channel and basin underdrain in basins.
6. Waiver of the requirement that driveways shall be located not less than ten feet from a catch basin, drain inlet, or fire hydrant.
7. Waiver of the requirement that there be a maximum of twenty dwelling units on a cul-de-sac.
8. Waiver to allow the placement of islands within a cul-de-sac turnaround.
9. Waiver of the street cartway widths.
10. Waiver of the street horizontal curve requirement.
11. Waiver of the requirement regarding the sidewalk location.
12. Waiver of the paved turnaround requirement.

Ms. Moran added one additional comment to what was included in the packet: Plan approval shall be subject to providing an executed developers agreement addressing the Patton Road realignment.

Tim Mellott, Mellott Engineering, 7500 Devonshire Heights Road, Hummelstown, and Joel McNaughton, McNaughton Company, were present on behalf of the plan.

Mr. Gingrich asked if the applicant has received a copy of the comments from the engineer, staff and County. Mr. Mellott stated he has, and wished to discuss a few. Mr. Mellott stated he can satisfy the comments generated by staff. With regard to HRG comment #8, the applicant is proposing stamp concrete design that will be flush with the pavement. Township staff has indicated they prefer landscaping in the cul-de-sac, and Mr. Mellott asked for the Planning Commission's point of view. He noted that the stamped concrete will be totally plowable and 100% traversable for large vehicles.

Mr. Neff asked if there will be a homeowners association. Mr. Mellott stated there will be, and they will be responsible for the maintenance of the internal islands. The plan does indicate such.

Mr. Newsome stated that he prefers the landscaped islands. He noted that a good homeowners association can find joy in having these to work with if they are installed correctly in the beginning.

Mr. Mellott noted that it was recommended in HRG comment #22 to incorporate Superpave into the designs and they intend to do so.

Mr. Mellott stated that HRG comment #18 is of the most significance. The applicant had previously requested a waiver to postpone the improvement and widening of Patton Road north of Autumn Oaks Drive until they came in with future plans. The concern at that time was that the portion abutting the current plan should be improved at this time. They now propose widening of Patton Road, however, they do not propose the sidewalks along Patton Road since sidewalks are required on one side of the road and they already exist on the other side. Sidewalks are proposed on Patton Road south of Continental Drive and along the single family houses. North of that however, they propose the nature trail only. The comment calls for the applicant to label the nature trail within the right-of-way a sidewalk and extend the sidewalk the whole way. The nature trail was proposed to extend north of Autumn Oaks Drive and turn into the site prior to the major creek crossing and up through the project. The comment says to install sidewalk the entire way up to the limits of Patton Road. Mr. Mellott stated they are willing to put sidewalks up to the culvert; there would be no nature trail in the right-of-way,

only sidewalk, that would lead to the nature trail. The comment appears to ask for sidewalks the whole way. The developer does not want to extend sidewalks to the northern limits of the whole project. Mr. Mellott asked for clarification in these areas.

Mr. Guise asked Mr. Mellott to locate the culvert on the plan. Mr. Mellott demonstrated on the plan where the culvert is and where they hope to run the sidewalk and nature trail. Mr. Guise asked if the applicant anticipates completing the sidewalk in that area when they develop further north. Mr. Mellott stated that based on the density proposed, they would not be required to install sidewalks in the northern section, or at most required on one side.

Mr. Neff stated that Patton Road is a fairly narrow road. Mr. Mellott agreed it is right now. Mr. Neff asked if the applicant is improving the roadway from the centerline towards the property only, or the full width of the roadway. Mr. Mellott stated they are actually doing the full width. They will hold the existing curb on the west side of Patton Road. They will then create the new road width in accordance with the new SALDO requirements. The road is called out to be a minor road, however the developer is improving it to the collector road standards up to Autumn Oaks Drive, and for the extension they intend to make it a 32-foot wide road, which is compliant with the new SALDO.

There is existing curbing and sidewalk on the side of Patton Road that is already developed (the west side). On the Autumn Oaks side of Patton Road curbing and sidewalk are proposed up to Autumn Oaks Drive, then curbing and sidewalk up to where the trail leads into the site, then just curbing the rest of the way.

Mr. Newsome asked about the realignment of Patton Road. Mr. Mellott stated that the existing Patton Road has a sharp S turn in it, and the proposal is to take the hard curve out. Mr. Mellott stated that November 13, 2007 they met with the Board of Supervisors in workshop session and will meet again to work out the realignment. The realignment will be a condition of approval of this plan. Mr. Newsome asked if the owner whose frontage will be affected has been involved with these discussions. Mr. Mellott stated they have not yet been involved. Mr. Newsome asked when they will be. Mr. Mellott stated they should be involved after the next workshop meeting, when there is more direction. The road will be shifted over onto Township property and the homeowner that the road is being moved away from will probably have a driveway extended to them as part of the project. If the excess land is added to their property or not will most likely be up to that property owner. Mr. Newsome stated there appears to be a slight taking of property on the other side. Mr. Mellott stated the realignment will hopefully be done without impacting that property, but if it does, the Township will have to work that out with that property owner. Mr. Newsome's concern is that the Township not surprise that property owner and get a negative response. Mr. Mellott agreed, and noted they did not want to upset a homeowner prematurely if there turns out to be no need.

Mr. Mellott noted that HRG comment #24 discusses vertical curve sight distances. They have two cul-de-sac streets at the top that have crest curves that are in compliance with ASHTO requirements as well as the new SALDO, but they do fall short of the ordinance in effect presently. They will be requesting a waiver for that. Mr. Snyder stated he did discuss this issue with Mr. Mellott and is comfortable with the waiver request given the location of those curves, and he noted that the proposed SALDO is more in tune with ASHTO and PennDOT requirements.

Mr. Mellott stated that the balance of the comments can be addressed without issue.

Mr. Guise asked Mr. Mellott to address HRG comment #31 regarding the Traffic Impact Study. Mr. McNaughton stated he forwarded these comments to his traffic engineer, and while they do not have a specific plan for how to address those problems, they will work on it and come up with a way to correct the issues.

Mr. Guise asked the applicant to address the comments generated by the Parks and Recreation Board. Mr. McNaughton stated that the plan was submitted with the understanding that they would address recreation with the dedication of community open space and addition of the community nature trail. As a result of the first submission, the Parks and Recreation Board indicated they were looking for additional and different recreation space. Some modifications were made and they met with the Board in November with a proposal that included two small fields, a picnic pavilion, and a tot lot with parking, in addition to the nature trails. These additional comments were received November 9<sup>th</sup>. They will try to incorporate as much as possible, given the restraints on the site. They feel they can accommodate some of those requests with regard to the bikeway and greenway paths, but haven't had a chance to work on every comment listed yet. Mr. McNaughton stated they will continue to work with the Parks and Recreation Board to come up with something satisfactory.

Mr. Guise asked about the discrepancy between the 20 acres and 26 acres required to be dedicated. Mr. McNaughton stated that he calculated the acreage using the percentages of single family homes and multi family homes, amounting to about 9 acres, whereas the Board apparently did the calculations based on single family homes on the total tract area. Mr. Guise asked if this will be worked out with the Parks and Recreation Board. Mr. McNaughton noted that they only met with them once. Mr. Gingrich asked if the applicant felt he could address the Parks and Recreation comments without affecting the design of the overall plan. Mr. McNaughton was not sure they could accommodate every item listed. There is no portion of the property that is 26 acres and 7% slope or less. Mr. McNaughton stated they will try to address Parks and Recreation Board's needs within the site constraints.

Mr. Guise asked when the Parks and Recreation Board meets. Ms. Moran stated that they meet the first Wednesday of the month.

Mr. Gingrich asked for staff's position on these issues. Ms. Moran noted that the Parks and Recreation Board is asking for land that is completely different than what has been proposed, and she was not sure they would be able to make that happen. Mr. Guise was concerned that if they do reach an accommodation, it may result in a material redesign of the plan which should be seen by the Planning Commission. He felt that the Planning Commission should see the information on the traffic study as well.

Mr. Neff stated that the Township's Parks and Recreation people have done an excellent job within the Township and they have identified this area as needing additional recreational land. That can be accomplished by looking at adjacent sites where recreation can come together. He also felt that this developer should have a serious meeting with the Parks and Recreation Board and go through the total scheme and figure out if there will be a substantial change to the plan.

Mr. McNaughton stated that there is a recreation section in the SALDO that provides several different options to meet the recreational requirements. Before having the plan approved, they have to meet the requirements using one of those options or some combination thereof. They will work with them based on the comments received, and will try to address them. He did not think that there is sufficient room on this particular site, which includes a stream, wetlands, steep slopes et cetera, and there isn't a lot of room for major redesign to the plan. The developer's goal is to accommodate the Parks and Recreation Board in the areas that they have available, and ultimately satisfy the recreation section of the subdivision ordinance.

Mr. Neff noted that recreation area is not the same as wetlands or slopes. He noted he has seen soccer fields in shallow detention basins. Mr. McNaughton noted that he is not proposing to meet the requirements using the wetlands or slope areas, but there are constraints of the land limiting the redesign of the plan. He was hoping for an approval conditioned upon meeting the recreational requirements of the subdivision ordinance.

Mr. Gingrich asked about waiver #1. Mr. Mellott stated that that is documented on sheet 6-1.

Mr. Gingrich asked about waiver #6. Mr. Mellott stated that was accomplished with three minor shifts in the driveway locations.

Mr. Millard stated he had no new comments to address. Mr. Snyder also had nothing further to discuss.

Mr. Newsome stated that this is the first time the Planning Commission has received a copy of the Parks and Recreation Board's review comments outlining what they expect in detail. He felt that was refreshing and wished Mr. Luetchford had been present to discuss the comments. They are instrumental in the Planning Commission's review and approval of a plan that is desirable and functional in the community. Mr. Newsome stated he was sympathetic to the idea that there could be changes to the plan. If those changes do not change the layout of the plan, it may not need to return to the Planning Commission. However, if the resolution calls for changes in the plan, he felt the Planning Commission should review the plan again.

Mr. Guise asked about the park land shown on the current plan. Mr. Mellott stated they do not meet the 7% slopes, but they are in an area that has potential for reasonable grading to ball field standards. One is a half-acre and one is about an acre, and there is also a tot lot with associated parking located off of the cul-de-sac "A", as well as the nature trails.

Mr. Guise asked if Mr. Mellott disagrees with the Parks and Recreation Board's observation that the land proposed for recreation does not meet the ordinance. Mr. Mellott agreed that the land does not meet the slope criteria, but the desired slope is not available on any portion of the site at all. That is why they looked for ground that could be modified to create land for meeting that section of the ordinance.

Mr. Neff suggested asking Mr. Luetchford to be present at the Planning Commission meeting to discuss his issues with the Commission.

Mr. Guise made a motion to table the plan, in order to allow the applicant to work out the Patton Road issues, the Traffic Impact Study issues and the recreation issues, and give the applicant an opportunity to present any changes that may develop as a result. Mr. Beverly seconded the motion and a unanimous vote followed.

## **NEW BUSINESS**

### **Waiver Request** **Commerce Drive**

Ms. Wissler stated that Article 1115.01(d) of the Planning and Zoning Code states: "Preliminary and final plans for all proposed subdivision and land development which are partially within the Township and which are partially within another municipality must be submitted to both municipalities for approval." On behalf of Commerce Drive Dauphin, LP, Skelly and Loy has requested a waiver of this requirement and has provided written justification. The Township Engineer has reviewed the request and recommended that the waiver not be granted. The area located in Lower Paxton Township is currently developed with a parking area.

The overall project involves a 10,605 square foot addition to the west, and a new 64,152 square-foot, four-story building with associated parking also on the western side.

Brent Saper, Skelly and Loy, 2601 North Front Street Harrisburg, was present on behalf of the request.

Mr. Saper stated there is an existing building and parking on the eastern side of the property. The Township line is to the east of the existing building, in a north/south direction. The existing building and one existing parking area are in Susquehanna Township, and the other existing parking area is in Lower Paxton Township. The building proposed is to the west of that, and is located in Susquehanna Township. In previous land development plans for this lot, there were five buildings proposed with associated parking. One of those five was built as phase 1, and now instead of building four more, they wish to build a four story building with roughly the same total square footage. The number of employees proposed is also the same as the original plan. The stormwater drains to the south in a proposed pond which drains into a drainage easement heading to the west to an existing detention basin in Susquehanna Township. All work for the project will be in Susquehanna Township; nothing will be done in Lower Paxton Township. During the original land development plan, Lower Paxton Township deferred to Susquehanna Township for review of the plans. Mr. Saper asked that Lower Paxton Township waive review of the plan and again defer to Susquehanna Township and their engineer, which is HRG, Inc.

Mr. Saper stated that sanitary sewer was approved for the whole complex with the original plan. He noted that they feel there is no additional impact to adjacent properties with the proposed development.



Mr. Gingrich asked if traffic would be changed in any way from what was proposed on the original land development plan. Mr. Sopen stated that the square footage of building is the same as well as the number of employees.

Mr. Snyder agreed that the construction will take place in Susquehanna Township, but it is a large development, and some of the impacts will enter Lower Paxton Township, such as traffic and sidewalks. In Susquehanna Township's review of the plan, they asked that Lower Paxton Township review the plan and the applicant should address any comments from Lower Paxton Township. In order for that to happen, a plan has to be formally filed and comments will then be generated.

Mr. Gingrich noted that the applicant says the plan is the same as what was previously filed. Mr. Snyder could not comment without seeing the previous or current plans.

Mr. Gingrich noted that requirements may have changed since the filing of the previous plan. Mr. Sopen stated that the Susquehanna Township Engineer had no problem with the traffic analysis submitted, and noted that it is in an existing business park planned for office buildings.

Mr. Neff asked if the sewer will flow to Susquehanna Township. Mr. Sopen stated that is correct.

Mr. Snyder noted that in the time since the previous plan, Lower Paxton Township has adopted a new zoning ordinance, and some stormwater issues have changed since that time. He could not comment on the impacts without looking at the details of the plan. He stated that there shouldn't be great expense in sending the same plan as is already prepared through Lower Paxton Township to make sure Lower Paxton does not see anything that warrants further consideration.

Mr. Sopen stated that the stormwater plan was done in accordance with Act 167, and all of the stormwater is staying in Susquehanna Township. He noted that there is nothing to review from a zoning standpoint since nothing is being done in Lower Paxton Township. The stormwater is planned in accordance with Susquehanna Township regulations as well as Act 167.

Mr. Guise asked why Susquehanna Township asked that Lower Paxton Township review the plan. Mr. Sopen stated that Susquehanna Township's comment was to address any comments generated by Lower Paxton Township because the property is in both municipalities. Mr. Guise asked if Susquehanna Township knew if the applicant would be requesting a waiver from Lower Paxton Township. Mr. Sopen answered yes.

Mr. Gingrich asked about the drainage easement in Lower Paxton Township. Mr. Sopen stated that the existing pond in front of the existing building drains down to the existing detention basin in Lower Paxton Township. That is already built. The new project drains to the west in Susquehanna Township.

Mr. Millard stated he has not reviewed the plan so has no official comments. He noted that it is required that they officially offer the other municipality to review it, and if they chose not to based on no impact to it, that is up to the municipality.

Mr. Neff noted that another plan was before Lower Paxton Township Planning Commission in this area and was required to install sidewalks, so it might be a good idea to consider sidewalks with this project as well.

Mr. Newsome made a motion to deny the request. Mr. Guise seconded the motion and a unanimous vote followed.

### **Rezoning Request** **Kings Pointe**

Ms. Wissler stated that the Township is proposing an amendment to the Township's Zoning Map for properties located south of Linglestown Road, 35-129-001 through 35-129-041, 35-011-074 and 35-011-082. The properties are currently zoned BC, Business Campus District. The amendment would rezone these properties to R-2, Medium Density Residential District.

The existing uses of the properties are the townhouses in the Kings Pointe Development and two vacant parcels to the south. The subject parcel is abutted to the north, east, and west by the Business Campus District and to the south by the R-1, Low Density Residential District and R-2, Medium Density Residential District. The 2004 Comprehensive Plan's Future Land Use Map shows the area to be Low/Medium Density Residential and High Density Residential.

Ms. Wissler noted that the parcels closest to Linglestown Road are to remain BC, Business Campus District, and the subject parcels are south of that.

Mr. Neff asked if the lots would have setbacks for reverse frontages, if they are zoned R-2, and the lots along Linglestown Road are BC. Ms. Wissler noted that the lots abutting the lots facing Linglestown Road are already developed with townhouses. She further noted that the owner of the two vacant lots intends to develop them as townhouses and continue the development as it is.

Mr. Millard stated that the Township's Comprehensive Plan identified the future land use for the entire area impacted by the rezoning as being Business Campus, which is more consistent with the existing zoning than the proposed zoning. There are areas identified as either Low/Medium Density Residential, or High Density Residential, immediately south of the tract in question. The draft Dauphin County Comprehensive Plan identifies the future land use for the area in question as being partly Commercial Service and partly Residential, with more of the land in the former category. The county plan does not distinguish between commercial retail and offices uses, so the request is partially consistent with both the existing zoning and proposed zoning.

Mr. Millard stated that the land uses along Linglestown Road, both east and west of the area being considered, are zoned Business Campus. By contrast, the land uses south of the tracts covered in this request are zoned either R-1, Low Density Residential District or R-2, Medium Density Residential District. The depth of the Business Campus zoning area along Linglestown Road is similar for both the area in question in this rezoning and the areas immediately to the east and west of the tracts. Changing

the zoning along the northern portion of Crispen Villa Road and the surrounding area would create some inconsistency in depth of the Business Campus corridor along Linglestown Road.

The existing uses for most of the tracts covered in this rezoning are townhouses, a permitted use in the R-2, Medium Density Residential District and a non-permitted use in BC, Business Campus District. The townhouses were also built relatively recently. The other two tracts in this request, 35-011-074 and 35-011-082 are currently vacant. These two tracts are not located adjacent to Linglestown Road and are south of the townhouse development included in the request. It probably wouldn't make much sense from an economic or community impact standpoint to have either of these tracts zoned for non-residential uses.

Mr. Millard stated that after reviewing the proposed revisions, the DCPC recommends the proposed zoning change from BC, Business Campus District to R-2, Medium Density Residential District be approved. Though the proposed zoning is less consistent with the Township and Dauphin County Comprehensive Plans than the existing zoning, the existing medium density residential use on most of the property and the low visibility and potential viability for business uses for the two undeveloped tracts are legitimate, practical reasons to rezone the properties. There likely will not be any major, negative impacts with rezoning the properties in question.

Mr. Beverly made a motion to recommend approval of the rezoning request. Mr. Guise seconded the motion and a unanimous vote followed.

**Preliminary/Final Land Development Plan #07-23**  
**Pepsi**

Ms. Moran stated that this plan proposed a warehouse addition of approximately 170,800 square feet to be used primarily as a production facility. The project area encompasses approximately 8 acres of the 35-acre tract. The property is zoned General Industrial, and is located south of Briarsdale Road and east of Dana Drive. The property is served by public sewer and public water. The applicant has requested a waiver of the preliminary plan requirement.

Judd Dayton, Evans Engineering, 2793 Old Post Road, Harrisburg, was present on behalf of the plan.

Mr. Dayton stated that there were designs and improvements put in place for this particular expansion, when the existing facility was originally constructed. The site is rough-graded, the utilities are provided for connection to the site area, stormwater conveyance systems were oversized to accommodate this expansion, and the emergency truck access drive around the facility was extended further to the north for this expansion.

Mr. Dayton noted that even though there are a large number of comments, he did not feel there were any that they could not accommodate.

Mr. Neff asked about the proximity of Interstate 83. Mr. Dayton stated that the property is bound on the east by I-83, and is located where Briarsdale Road dead-ends. The access for trucks and

employees is and will remain off of Dana Drive. Emergency access is the only access off of Briarsdale. The land at the southern end is vacant and is located in Swatara Township. Mr. Dayton will make contact with Swatara to go through their land development process or obtain documentation if they are not interested in reviewing the plan.

Mr. Neff asked if the I-83 Master Plan will affect this property. Mr. Millard stated that the Plan does call for widening of the highway in this area, but he was not sure if there was sufficient right-of-way at this time. That segment is a 6-lane road; that is ultimately planned to be an 8-lane roadway. Mr. Neff asked about the proposed south-bound off-ramp in that area. Mr. Millard did not think they would create a new ramp, but there may be some realignment of the interchange at Union Deposit Road, creating an extra lane that picks up and drops off with the on- and off-ramps. Mr. Millard agreed that the right-of-way question is a valid one, and should be considered. Mr. Dayton has not checked into that yet. If there is a problem with right-of-way, it may come up in the next 5-10 years.

Mr. Guise asked about HRG comment #4. Mr. Dayton stated that the facility cannot produce enough product at this time, and what they do to get around this is truck product in, and then send it out. The intent of the plan is to expand the production lines and add additional bottling lines so they can eliminate the amount of inbound product and still maintain the amount of outbound product. They do not propose to expand the amount of traffic generated. They believe they can continue to man the facility with the personnel they currently have. The vehicular trips per day should remain about the same.

Mr. Gingrich note that this issue is in the staff comments as well, and should be addressed. Mr. Dayton stated he will provide documentation to support the information. Mr. Snyder agreed that if the response is put in writing to the Township, that should be sufficient. Mr. Snyder did not have any comments that he felt the applicant could not address.

Mr. Millard noted that street trees may be needed along Briarsdale Road. Mr. Dayton stated he will review that section of the ordinance and will provide the trees if they are needed.

There was no comment from the audience.

Mr. Guise made a motion to approve the plan, subject to approval by DCCD, and NPDES permit, and further subject to the comments as discussed. The motion includes a recommendation to approve the waiver request. Mr. Beverly seconded the motion and a unanimous vote followed.

**Preliminary/Final Subdivision Plan #07-24**  
**Deaven Woods**

Ms. Wissler stated that the purpose of the plan is to subdivide the overall tract into 37 lots, 35 lots are proposed to be single-family building lots and two lots are proposed to be open space lots. The tract consists of 35.9836 acres, is located east of Deaven Road and north of Devonshire Heights Road and will be served by public water and public sewer.

The property is zoned AR, Agricultural Residential District and FP, Flood Plain District with an OSD, Open Space Development Overlay District. The OSD was approved by the Board of Supervisors on August 8, 2007.

The applicant has requested the following waivers: 1) Waiver of the preliminary plan requirement; 2) Waiver of the horizontal curve radius requirement for minor streets from 275 feet to 150 ft. for two curves for Cold Stream Lane; 3) Waiver of the sidewalk and curb requirements along the frontage of Deaven Road; 4) Waiver of the maximum length requirement for cul-de-sac streets and the maximum number of units served by a cul-de-sac street; and 5) Waiver of the requirement that a low-flow channel and underdrain shall be provided in detention basins from each point of inflow to the outlet facility.

Jeffrey Staub, Dauphin Engineering Company; Micki Molinari, 4071 West Tilden Road, Developer; and Mr. & Mrs. Ruble, Developers, were present on behalf of the plan.

Mr. Staub stated he has received comments from Staff, Engineer and County, as well as from Dr. Lacasse with regard to the landscaping plan and Officer Needham with regard to public safety. He noted that this plan is virtually identical to the plan presented during the rezoning process.

Mr. Staub stated he has submitted the E&S Plan to DCCD, and have had a meeting with the reviewer. He has also submitted for approval from various outside agencies. The outstanding item that needs to be addressed is where the plan affects a small amount of wetlands along Beaver Creek where they will connect to the Beaver Creek Interceptor with the sewer extension. They will submit a General Permit for the wetland impacts. Mr. Staub stated he met today with Ms. Wissler and Mr. Snyder to review HRG's comments. They worked out how to respond to those comments. Several of the comments had to do with strengthening or protecting the open space area, in the form of restrictions or covenants to be written into the deeds or homeowners association documents.

Mr. Guise asked if the applicant will be able to demonstrate that the creek is not a perennial stream. Mr. Staub stated that it is not perennial by definition. The criterion is that if the stream is shown as an intermittent stream on the USGS map, then that is what it is. The USGS map does show that stream as intermittent, so there is no need for a buffer.

Mr. Guise asked if the applicant can address all 42 comments to the satisfaction of the Engineer. Mr. Staub felt that he could address the comments satisfactorily.

Mr. Neff asked if the open space will be owned by a homeowners association. Mr. Staub stated that is correct. Mr. Neff asked if alternatives were investigated to be more practical. Mr. Staub stated that the majority of the open space area consists of environmentally sensitive features. Mr. Neff was concerned that the sole function of the homeowners association would be to hold the title and pay the insurance on it. He suggested running the property lines to the ends, so that every owner has a more real ownership, the lots may be more marketable, and there is no homeowners association or insurance to worry about. Mr. Staub stated that the homeowners association will also be responsible for maintenance of the landscaped islands in the center of Cold Stream Lane as well as other landscaping areas on the plan. The association will also have an architectural review committee. There will be language

incorporated to limit the clear-cutting of portions of the open space. Ms. Molinari added that the homeowners' documents will clearly outline the responsibility. She noted that the developers are also very concerned about tree removal. Ms. Molinari stated that the neighbors adjacent to this tract love the serenity and one of the strong requests she received from them is to keep it in a natural state. There are some very beautiful trees located here and they are going to great lengths to preserve and relocate many of the trees. She has met with the homeowners many times and has their agreements in writing.

Mr. Snyder stated that he met with Ms. Molinari and Mr. Staub and went through the comments, and he is comfortable that the plan will come back with the comments addressed.

Mr. Millard stated that the County is interested in allowing potential connection to currently undeveloped lands to the north and south of the tract, if those lands are developable. Ms. Wissler stated that there are topographical issues such as wetlands, steep slopes and a stream. The neighbors have indicated that they are not interested in developing the land. Mr. Staub noted that if the land to the south were developed, their only access to Devonshire Heights Road would be right in the middle of "killer hill", and there are issues with the sight distance.

Mr. Gingrich called for comments from the audience.

Mr. John Purcell, 6556 Devonshire Heights Road, lives directly to the south of the subject parcel, along "killer hill". He spoke on behalf of all of the neighbors that have property surrounding the tract. They have met with the developers and in general, they are in favor of this development, assuming that no development is still the best, but realizing that this is not realistic, the plan presented is the best that can be expected. They feel that the main concern is the preservation of open space, not only as open space, but as a buffer also. He thanked the Township for the Open Space concept.

With regard to Mr. Neff's comment regarding the ownership of the open space area, Mr. Purcell noted that the neighbors have met extensively with the developers, and are comfortable with the plan in its current state, and would have to reassess the plan if it were changed.

Mr. Newsome made a motion to recommend approval of the plan, subject to the resolution of the comments, and approval of the five waivers. Mr. Neff seconded the motion and a unanimous vote followed.

**Special Exception #07-08**  
**MCR Properties, 5005 Devonshire Road**

Ms. Moran stated that a construction company or tradesperson's headquarters (including but not limited to landscaping, building trades, or janitorial contractor), is a Special Exception in the Office Neighborhood Zoning District, and requires a zoning decision by the Zoning Hearing Board.

The applicant proposes to operate his insurance fire, restoration business from 5005 Devonshire Road.

Mr. John McNally, 305 North Front Street / 1811 Westfield Road; James Mellon, of Mellon Certified Restorations (MCR); and Robert Linn, Principal of Linn Architects were present on behalf of the application.

Mr. Newsome asked about the MCR being located in Philadelphia. Mr. McNally stated that this is not a franchise; it is a branch that will be relocated from another branch located at 553 Division Street. Mr. Mellon stated that MCR has six locations.

Mr. Mellon stated that the business is insurance restoration, and the primary contacts are insurance adjusters and agents. The business is full service from cleaning to reconstruction. The location on Devonshire Road is to be office space for the estimator and administrative staff. There would be storage space in the rear to store people's contents until restoration is complete.

Mr. Gingrich asked the size of the property. Mr. Mellon stated that it is 0.78 acres, and the building is 4,800 square feet.

Mr. Guise asked if the applicant plans to store or maintain vehicles on-site. Mr. Mellon stated he does not plan to store vehicles inside, there may be some outside, but most employees take the company vehicle home. They do provide emergency services such as board ups and water damage, so there are vehicles for that.

Mr. Gingrich asked if this plan will come before the Township as a land development plan. Ms. Moran stated that the site previously had a land development plan approved including a second phase that was not yet built. Mr. Mellon stated that they intend to stay well below what had been proposed and previously approved.

Mr. McNally distributed a packet of information about MCR and noted that what is proposed is significantly less than what was previously approved for the site.

Mr. Linn stated he has worked with Mr. Mellon on his other projects. He noted that the site is located at Devonshire Road and Orchard Street. It was developed in 1990 as a Sir Speedy and operated until 2005; it has been vacant since then. He stated that there is a small addition planned for the rear of the building, but it will be over an area that is already macadam, so there will be no changes in stormwater management. There is a narrow strip that runs along Orchard Street that is partially storage and partially groundwater retention pond. Mr. Linn oriented the Commission to a depiction of the current facility, the addition proposed, and the property lines. There will be a total of 21 parking spaces on site, and the requirement is 14 spaces.

Mr. Newsome asked if the applicant had considered rezoning the property to CG, Commercial General District. Mr. Linn stated that they did discuss it, but it is consistent with the ON zoning. They may have considered it if they had needed a variance, but since it is a special exception; it may be much simpler to go this route versus a rezoning. Mr. Newsome noted that this use has an affinity for CG. Mr. Linn stated that the category description is very much what this business is. It also includes a lot of office administrative uses and some warehousing.

Mr. Guise made a motion to recommend to the Zoning Hearing Board that they give favorable consideration to Special Exception 07-08. He noted that it appears to be consistent with the ON zoning district and it appears to be the best use of that lot. Mr. Beverly seconded the motion and a unanimous vote followed.

**Lakeside Marina, Robert Brightbill**  
**Discussion regarding the zoning of the property**

Ms. Wissler stated that the owner of the Lakeside Marina realized that his property was rezoned from commercial to residential in 2006. He is asking that the Township consider correcting it back to commercial. Ms. Wissler presented a map indicating which lots are owned by Mr. Brightbill. Mr. Guise asked about the adjacent property. Ms. Wissler stated that it is a home. Mr. Neff asked if the rezoning in 2006 was intentionally done to make it residential or if it was an oversight. Ms. Wissler stated that it should not have been changed from commercial to residential, and it was unintentional. Mr. Neff asked why the lots should be CG when they are surrounded on three sides by residential zoning and uses. Mr. Guise felt the proximity to Route 22 would make it appropriate to be commercial. Commissioners agreed to consider it since it was an oversight.

**Public Comment**

There was no additional public comment.

**Commissioner's Comment**

Mr. Neff asked about the status of the Fetterholf property. Ms. Moran stated that once they obtain the Letter of Map Revision, they will not need the variances they applied for. They have not submitted land development plans to the Township yet.

**Adjournment**

The next regular Planning Commission meeting is scheduled for December 12, 2007, at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 9:25 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary